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Message Text

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ACTION AF-18

INFO OCT-01 ISO-00 L-03 SCS-03 DRC-01 RSC-01 /027 W
---------- 080758
R 011139Z MAR 74
FM AMEMBASSY LUSAKA
TO SECSTATE WASHDC 9832

C O N F I D E N T I A L LUSAKA 0344

EO 11652: GDS
TAGS: CASC, MOPS, ZA
SUBJECT: CROTHERS' CASE

REF: STATE 38127

1. FIRST EXPLORATORY MEETING MARCH 1 AT MOFA CONFIRMED APPLICABILITY OF CANADIAN PRECEDENT TO AMCIT CASE AND GRZ INTENTION TO MAKE EX GRATIA PAYMENT. EMBASSY REVIEWED CHRONOLOGY OF CASE COVERING EVENTS LEADING UP TO AND FOLLOWING MAY 15 INCIDENT, AND WENT INTO SOME DETAIL (AT REQUEST OF GRZ) IN DESCRIBING INJURIES TO CROTHERS, TRAUMATIC SHOCK TO BOTH, AND EFFECT THIS EXPERIENCE COULD HAVE ON THEIR EARNING POWER AND LIVES.

2. MEETING CHAIRED BY ASSISTANT SECRETARY MANDA WITH MINISTRY LEGAL COUNSELOR V. KRISHNADASAN MAJOR SPOKESMAN AMBASSADOR ASSISTED BY CONSUL TAYLOR.

3. WE ASKED IF LEGAL COUNSEL ON US SIDE DESIRED AS IN CANADIAN CASE BUT SUGGESTION POLITELY PUT ASIDE ON GROUNDS CANADIAN CASE NOT PERFECTLY COMPARABLE. WHILE POLITICAL RATHER THAN LEGAL SETTLEMENT SOUGHT IN BOTH CASES, PRESENCE OF RANKING LAWYER IN CANADIAN CASE EXPLAINED BY CANADIAN DOMESTIC POLITICAL PRESSURES AND STRAINED GOC-GRZ RELATIONS AT THAT TIME.

4. BOTH SIDES AGREED THAT POLITICAL SETTLEMENT PREFERRED OVER LEGAL ACTION BY CROTHERS AGAINST GRZ. WE SAID USG HAD DISCOURAGED CROTHERS FROM LATTER COURSE.
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EMBASSY SOUGHT TO ELICIT OFFER FOR CROTHERS COUPLE BUT

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MINISTRY OFFICIALS RE-EMPHASIZED EXPLORATORY NATURE OF
FIRST SESSION AND NEED TO REFER MATTER TO SUPERIORS
BEFORE FORMAL OFFER COULD BE MADE. SESSION CONCLUDED
WITH AGREEMENT TO HOLD SECOND MEETING MARCH 12 AT WHICH
GRZ WOULD TAKE ACCOUNT OF POINTS MADE BY EMBASSY (LARGELY
BASED ON CROTHERS' NOVEMBER 30, 1973, LETTER TO COOTE) STRESSING
BOTH MATERIAL AND NON-MATERIAL DAMAGE BUT WITHOUT ANY
ATTEMPT TO QUANTIFY THESE ELEMENTS. DISCUSSION CONSIDERABLY
EXTENDED ON QUESTION OF REGULAR OCCUPATION OF BOTH CROTHERS,
THEIR NORMAL EARNING POWER IN THE PAST, AND HOW THIS POTENTIAL
MIGHT BE AFFECTED IN FUTURE, IN ADDITION TO FOCUS ON PAST
AND POSSIBLY FUTURE MEDICAL TREATMENT AND EXPENSES.
EMBASSY BELIEVES ADDITIONAL DETAIL ON THESE ASPECTS
WOULD BE USEFUL, ALTHOUGH GRZ DID NOT REQUEST
IT, WANTING TO AVOID SEMBLANCE CASE BEING HANDLED IN LEGALISTIC
MANNER.

5. UPON FORMAL CLOSURE OF FIRST SESSION KRISHNADASAN
SAID AFTER MUCH HESITATION AND DIFFICULTY IN APPROACHING
SUBJECT THAT IF IT WOULD BE HELPFUL TO USG TO KNOW HIS OWN
PERSONAL THINKING ON ORDER OF MAGNITUDE OF SUITABLE EX
GRATIA PAYMENT FIGURE FOR BOTH CROTHERS, IT WAS SEVEN
THOUSAND DOLLARS. HE ACKNOWLEDGED FIGURE CONCEIVED BEFORE
LEARNING OF CROTHERS' EXPERIENCE AND FEELINGS. AMBASSADOR
APPRECIATED PERSONAL VIEW OF COUNSELOR AND SAID FIGURE
WOULD NOT BE CONVEYED TO CROTHERS BUT ONLY USED
INTERNALLY BY USG AS SOMETHING INITIAL AND INDICATIVE.
EQUALLY ON PERSONAL BASIS AMBASSADOR SAID CROTHERS WERE
PROBABLY THINKING IN RANGE HAVING LOWER LIMIT BASED ON
ACTUAL MATERIAL COSTS TO THEM AND UPPER LIMIT
OF ACTUAL PAYMENT TO CANADIANS WITH SOME UNQUANTIFIED
ADDITIONAL ELEMENT FOR PAIN AND SUFFERING AND UNCERTAINTY
REGARDING FUTURE EARNING POWER AND LOSS OF EDUCATIONAL
BENEFITS OF TRIP.
WILKOWSKI

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